

S 397 IS

107th CONGRESS

1st Session

S. 397

To amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under that Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

February 27, 2001

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. HAGEL, Mr. LIEBERMAN, Mr. KYL, Mr. REED, Mr. VOINOVICH, Mr. FEINGOLD, Mr. JEFFORDS, Mr. DEWINE, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under that Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS
IN 2003 AND 2005.

(a) COMMISSION MATTERS-

(1) APPOINTMENT- Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended--

(A) in subparagraph (B)--

(i) by striking `and' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon;
and

(iii) by adding at the end the following new clauses (iv) and (v):

`(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress; and

`(v) by no later than March 15, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress.'; and

(B) in subparagraph (C), by striking `or for 1995 in clause (iii) of such subparagraph' and inserting `, for 1995 in clause (iii) of that subparagraph, for 2003 in clause (iv) of that subparagraph, or for 2005 in clause (v) of that subparagraph'.

(2) MEETINGS- Subsection (e) of that section is amended by striking `and 1995' and inserting `1995, 2003, and 2005'.

(3) STAFF- Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking `and 1994' and inserting `, 1994, and 2004'.

(4) FUNDING- Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

`(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003 or 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in either of those years such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.'.

(5) TERMINATION- Subsection (l) of that section is amended by striking `December 31, 1995' and inserting `December 31, 2005'.

(b) PROCEDURES-

(1) FORCE-STRUCTURE PLAN- Subsection (a)(1) of section 2903 of that Act is amended by striking `and 1996,' and inserting `1996, 2004, and 2006,'.

(2) SELECTION CRITERIA- Subsection (b) of such section 2903 is amended--

(A) in paragraph (1), by inserting `and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003 and 2005,' after `December 31, 1990,'; and

(B) in paragraph (2)(A)--

(i) in the first sentence, by inserting `and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003 and 2005,' after `February 15, 1991,'; and

(ii) in the second sentence, by inserting `, or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001' after `March 15, 1991'.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS- Subsection (c)(1) of such section 2903 is amended by striking `and March 1, 1995,' and inserting `March 1, 1995, March 14, 2003, and May 16, 2005,'.

(4) COMMISSION REVIEW AND RECOMMENDATIONS- Subsection (d) of such section 2903 is amended--

(A) in paragraph (2)(A), by inserting `or by no later than July 7 in the case of recommendations in 2003, or no later than September 8 in the case of recommendations in 2005,' after `pursuant to subsection (c),';

(B) in paragraph (4), by inserting `or after July 7 in the case of recommendations in 2003, or after September 8 in the case of recommendations in 2005,' after `under this subsection,'; and

(C) in paragraph (5)(B), by inserting `or by no later than May 1 in the case of such recommendations in 2003, or no later than July 1 in the case of such recommendations in 2005,' after `such recommendations,'.

(5) REVIEW BY PRESIDENT- Subsection (e) of such section 2903 is amended--

(A) in paragraph (1), by inserting `or by no later than July 22 in the case of recommendations in 2003, or no later than September 23 in the case of recommendations in 2005,' after `under subsection (d),';

(B) in the second sentence of paragraph (3), by inserting `or by no later than August 18 in the case of 2003, or no later than October 20 in the case of 2005,' after `the year concerned,'; and

(C) in paragraph (5), by inserting `or by September 3 in the case of recommendations in 2003, or November 7 in the case of recommendations in 2005,' after `under this part,'.

(c) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY- Section 2909(a) of that Act is amended by striking `December 31, 1995,' and inserting `December 31, 2005,'.

SEC. 2. MODIFICATION OF BASE CLOSURE AUTHORITIES UNDER 1990 BASE CLOSURE LAW.

(a) COST SAVINGS AND RETURN ON INVESTMENT UNDER SECRETARY OF DEFENSE SELECTION CRITERIA- Subsection (b) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2867 note) is amended by adding at the end the following:

`(3) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall be based on the total cost and savings to the Federal Government that would result from the proposed closure or realignment of such military installation.'.

(b) DEPARTMENT OF DEFENSE RECOMMENDATIONS TO COMMISSION- Subsection (c) of such section 2903 is amended--

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

`(4)(A) In making recommendations to the Commission under this subsection in any year after 2000, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

`(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

`(C) The recommendations made by the Secretary under this subsection in any year after 2000 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.'; and

(3) in paragraph (7), as so redesignated--

(A) in the first sentence, by striking `paragraph (5)(B)' and inserting `paragraph (6)(B)'; and

(B) in the second sentence, by striking `24 hours' and inserting `48 hours'.

(c) PRIVATIZATION IN PLACE- Section 2904(a) of that Act is amended--

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

`(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 2000 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost effective method of implementation of the recommendation;'

SEC. 3. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS- Section 2905(b)(7)(D)(ii)(I) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2867 note) is amended by striking `that date' and inserting `the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)'.

(b) OTHER CLARIFYING AMENDMENTS-

(1) That Act is further amended by inserting `or realignment' after `closure' each place it appears in the following provisions:

(A) Section 2905(b)(3).

(B) Section 2905(b)(5).

(C) Section 2905(b)(7)(B)(iv).

(D) Section 2905(b)(7)(N).

(E) Section 2910(10)(B).

(2) That Act is further amended by inserting `or realigned' after `closed' each place it appears in the following provisions:

(A) Section 2905(b)(3)(C)(ii).

(B) Section 2905(b)(3)(D).

(C) Section 2905(b)(3)(E).

(D) Section 2905(b)(4)(A).

(E) Section 2905(b)(5)(A).

(F) Section 2910(9).

(G) Section 2910(10).

(3) Section 2905(e)(1)(B) of that Act is amended by inserting `, or realigned or to be realigned,' after `closed or to be closed'.

END